

REMARKS/ARGUMENTS

Claims 1 – 43 are presented for reconsideration and further examination in view of the foregoing amendments and the following remarks.

In the outstanding Office Action, the Examiner objected to the drawings; indicated that claims 9, 13, 17, 21, 25 and 29 would be allowed if rewritten in independent form; and rejected claims 1 – 8, 10 – 12, 14 – 16, 18 – 20, 22 – 24, 26 – 28 and 30 – 43 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,227,850 to Chishti et al. (hereinafter referred to as “the Chishti et al. ‘850 patent”) in view of U.S. Patent No. 4,231,181 to Fabricant (hereinafter referred to as “the Fabricant ‘181 patent”).

By this Response and Amendment, claims 1, 30 and 41 – 43 have been amended to recite: “wherein said one or more tasks comprise at least one of choosing and carrying out a virtual treatment to a certain virtual condition associated with said at least one tooth, said treatment being compared with a predetermined ideal virtual treatment for said virtual condition;” and, as amended, the rejections thereto and to the claims dependent thereon are respectfully traversed.

Support for the amendments to claims 1, 30, and 41 – 43 can be found on page 5, lines 15 – 19 of the originally filed specification. Therefore, Applicant respectfully submits that no new matter, within the meaning of 35 U.S.C. §132, has been introduced to the present application.

Objection to the Drawings

The Examiner objected to the drawings, asserting that the current drawings are informal and required formal replacement drawings.

Response

By this Response and Amendment, formal replacement drawings have been submitted.

Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the objection to the drawings.

Rejections Under 35 U.S.C. §103(a)

The Examiner rejected claims 1 – 8, 10 – 12, 14 – 16, 18 – 20, 22 – 24, 26 – 28 and 30 – 43 as being unpatentable over the Chishti et al. '850 patent in view of the Fabricant '181 patent.

Response

By this Response and Amendment, independent claims 1, 30 and 41– 43 have been amended and, as amended, the rejections thereto are respectfully traversed since all of the features of these claims are not present in the cited prior art. To establish a *prima facie* case of obviousness, the Examiner must establish that the prior art references teach or suggest all of the claim limitations. *Amgen, Inc. v. Chugai Pharm. Co.*, 18 USPQ2d 1016, 1023 (Fed. Cir. 1991); *In re Fine*, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988); *In re Wilson*, 165 USPQ 494, 496 (CCPA 1970).

Independent claim 1 recites: “[f]or use in a computer and associated storage medium, a computer game customized for a predetermined user, in which the user, through a user interface, performs one or more tasks generated by the computer within a virtual environment, said environment comprising a virtual three-dimensional dental image of at least one tooth of the user; wherein said one or more tasks comprise at least one of choosing and carrying out a virtual treatment to a certain virtual condition associated with said at least one tooth, said treatment being compared with a predetermined ideal virtual treatment for said virtual condition.” Like

amended independent claim 1, amended independent claims 30 and 41 – 43 also recite: “wherein said one or more tasks comprise at least one of choosing and carrying out a virtual treatment to a certain virtual condition associated with the at least one tooth, said treatment being compared with a predetermined ideal virtual treatment for said virtual condition.”

The Chishti et al. ‘850 patent is generally directed toward a system used to create a plan for repositioning an orthodontic patient’s teeth. The Chishti et al.; ‘850 patent discloses a method for performing tasks on a three-dimensional virtual model of an orthodontic patient’s teeth to determine a likely outcome of the plan, i.e. the likely positions of the teeth of a patient after the plan has been implemented, based on rules or algorithms programmed into a computer.

The Fabricant ‘181 patent discloses a toy game set having a real-life generic mouth and teeth, and a set of real-life dental tools.

In contrast to the presently claimed invention, neither of the cited prior art references discloses, teaches, or suggests that “said one or more tasks comprise at least one of choosing and carrying out a virtual treatment..., said treatment being compared with a predetermined ideal virtual treatment for said virtual condition,” as recited in each of the amended independent claims of the present application. The presently claimed invention is directed toward a virtual game. None of the references discloses, teaches, or suggests, choosing and carrying out a virtual treatment and then comparing that virtual treatment with a “predetermined ideal virtual treatment.” The nature of the game disclosed in the present application is to reach a predetermined result. *See Present Application* at page 5, lines 15 – 19. The game determines whether the result is reached by comparing the treatment with a “predetermined ideal virtual treatment.” This feature is missing from the cited prior art. As such, Applicant submits that the cited prior art does not anticipate the presently claimed invention since not all of the features of

the presently claimed invention are disclosed, taught, or suggested by the cited prior art.

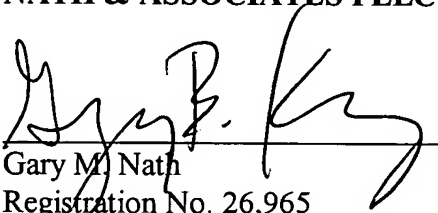
Accordingly, Applicant requests that the Examiner reconsider and withdraw the rejections under 35 U.S.C. 103(a).

CONCLUSION

In light of the foregoing, Applicant submits that the application is now in condition for allowance. If the Examiner believes the application is not in condition for allowance, Applicant respectfully requests that the Examiner contact the undersigned attorney if it is believed that such contact will expedite the prosecution of the application.

In the event this paper is not timely filed, Applicant petitions for an appropriate extension of time. Please charge any fee deficiency or credit any overpayment to Deposit Account No. 14-0112.

Date: June 20, 2005
NATH & ASSOCIATES PLLC
1030 Fifteenth Street, N.W.
Sixth Floor
Washington, DC 20005
(202) 775-8383

Respectfully submitted,
NATH & ASSOCIATES PLLC
By: 
Gary M. Nath
Registration No. 26,965
Gregory B. Kang
Registration No. 45,273
Derek Richmond
Registration No. 45,771
Customer No. 20529

In the Drawings

The attached replacement sheets of drawings are attached as an appendix, which begins on page 18 of this paper, and include drawing figures 1 – 4. These sheets contain formal drawings and replace the original informal drawings including figures 1 – 4.

APPENDIX